

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE ATLANTA HOUSING CODE OF 1987, APPENDIX E TO THE LAND DEVELOPMENT CODE, SO AS TO ADD A NEW SECTION 15, ENTITLED "REMOVAL AND DISPOSAL OF JUNKED VEHICLES"; SO AS TO AMEND VARIOUS SECTIONS TO PROVIDE SPECIFIC NOTIFICATION AND CORRECTION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS; SO AS TO AMEND SECTION 35 REGARDING THE CARRYING OUT OF ORDERS OF THE IN REM REVIEW BOARD; SO AS TO AMEND THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO AMEND THE DEFINITION OF JUNKED VEHICLES AND TO AMEND THE NOTIFICATION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS; AND FOR OTHER PURPOSES

WHEREAS, the enforcement of various codes including the Atlanta Housing Code resides within the Bureau of Code Compliance and is an integral part of providing for the health, safety, and general welfare of the city's residents; and

WHEREAS, a significant portion of code violations in the city's neighborhoods consist of junked vehicles as well as weeds, rubbish, litter and/or debris; and

WHEREAS, the incidence of these violations has greatly increased as a result of the current foreclosure/vacant home situation facing the city as well as the nation; and

WHEREAS, because these types of violations in addition to being aesthetically unpleasing also present certain health and safety hazards to the general public, the urgency of remedying these violations is of utmost importance; and

WHEREAS, while the city recognizes that affording a property owner an opportunity to correct plays an important role in remedying a violation, the city also finds that the time afforded should be no more than actually required to correct the violations if immediately undertaken by the responsible party; and

WHEREAS, in recognition of the unsightliness and hazards that junked vehicles pose on local communities, O.C.G.A. §36-60-4 enables a municipality to adopt ordinances for the removal and disposal of junked vehicles constituting a health hazard or unsightly nuisance; and

WHEREAS, the City of Atlanta has such an ordinance (01-O-0879) but which is not codified; and

WHEREAS, it is desirable to codify a junked vehicle ordinance so that property owners can more easily find the provisions regulating junked vehicles.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: That the definition of “junk vehicle” found within Section 6 of the Atlanta Housing Code entitled “Definitions” and which reads as follows:

Junk vehicle shall mean any automobile, truck, van, recreational vehicle, mobile home or trailer of any kind, whether such vehicle has been wrecked or dismantled in part or whole, abandoned or discarded, which is inoperable or which cannot be legally operated on the public roads or which does not bear a current registration or a current license plate or a current state required inspection sticker.

Is hereby amended to read as follows:

Junked vehicle shall mean any automobile, truck, van, recreational vehicle, mobile home or trailer of any kind (or parts thereof) not within a completely enclosed structure which has been discarded, dismantled, junked, ruined, scrapped, wrecked in part or whole, abandoned, or which is inoperable or which cannot be legally operated on the public roads or which does not bear a current registration or a current license plate or a current state required inspection sticker.

Section 2: That Section 6 of the Atlanta Housing Code entitled “Definitions” is hereby amended by adding a definition for “all-weather surface” to read as follows:

“Surface, all-weather shall mean any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be treated.”

Section 3: That Section 6 of the Atlanta Housing Code entitled “Definitions” is hereby amended by adding a definition for “vegetative growth” to read as follows:

Vegetative growth shall mean any and all uncultivated growth exceeding a height of eighteen (18) inches, as measured vertically from the surface of the ground, of any lot, tract or parcel of land.

Section 4: That Section 6 of the Atlanta Housing Code entitled “Definitions” is hereby amended by adding a definition for “weed” to read as follows:

Weed shall mean all rank, vegetative growth, including kudzu, poison ivy, plants of obnoxious odors, weeds, and grasses causing hay fever or those which serve as a breeding place for mosquitoes and other unhealthy or undesirable insects or as a

refuge for snakes, rats or other rodents or as a hiding place for filth, litter, trash or that create a fire or traffic hazard or provide a hiding for persons.

Section 5: That paragraph (a) of Section 10 of the Atlanta Housing Code entitled “Notice of Inspection” and which reads as follows:

(a) *Issuance and Filing of Notice.* Within 30 days of any property inspected under this Code for the purpose of determining compliance with the provisions thereof, the Director shall determine whether such property conforms to the applicable provisions of this Code and if it does not so conform, shall cause an appropriate written notice to be served upon the owner, operator or occupant. As used in this Section and elsewhere in this Code, service of notice upon an owner or operator shall mean service upon such owner or operator or upon that person's designated agent for service. A copy of the notice shall be filed in the office of the Bureau of Buildings.

Is hereby amended to read as follows:

(a) *Issuance and Filing of Notice.* Within 30 days of any property inspected under this Code for the purpose of determining compliance with the provisions thereof, the Director shall determine whether such property conforms to the applicable provisions of this Code and if it does not so conform, shall cause an appropriate written notice to be served upon the owner, operator or occupant. As used in this Section and elsewhere in this Code, service of notice upon an owner or operator shall mean service upon such owner or operator or upon that person's designated agent for service. A copy of the notice shall be filed in the office of the Bureau of Code Compliance.

Section 6: That subparagraph (3) of paragraph (b) of Section 10 of the Atlanta Housing Code entitled “Notice of Inspection” and which reads as follows:

(3) A specified period of time after commencement of such remedial action within which such remedial action shall be completed, including, if necessary, separate reasonable completion dates for remedial action as to separate violations, such periods of time to be determined by the Director as those periods of time reasonably required, under all the circumstances then known, for the completion of such remedial action

Is hereby amended to read as follows:

(3) A specified period of time after commencement of such remedial action within which such remedial action shall be completed, including, if necessary, separate reasonable completion dates for remedial action as to separate violations, such periods of time to be determined by the Director as those periods of time reasonably required, under all the circumstances then known, for the completion

of such remedial action. Notwithstanding this or any Ordinance to the contrary, when:

- (a) a junked vehicle is observed upon private property, a decal shall be affixed to said junked vehicle giving notice that if the junked vehicle is not removed within three (3) days, the city will cause the junked vehicle to be towed or otherwise removed from the property.
- (b) weeds, rubbish, litter and/or debris is observed upon private property, the notice shall require all remedial action contained therein to be completed within three (3) days.

Section 7: That paragraph (a) of Section 13 of the Atlanta Housing Code entitled "Placarding of Occupied Property" and which reads as follows:

Sec. 13. Placarding of Occupied Property.

(a) Pursuant to a hearing by the court when charges have been brought against an owner or operator, the court is authorized to determine if the dwelling unit is unfit for human habitation. If so determined, it shall order the director of the bureau of neighborhood services responsible for the enforcement of this Code to place a signed and dated placard to that effect, on the dwelling unit determined to be unfit for human habitation. The court shall specify a date by which the dwelling unit shall be vacated unless rendered fit for human habitation. Such placard shall contain the following words:

"This dwelling unit has been adjudicated by the Municipal Court of the City of Atlanta to be in violation of the Atlanta Housing Code and determined to be unfit for human habitation. It shall be unlawful for this dwelling unit to be occupied after _____ (date) until all repairs required by the Atlanta Housing Code have been made and approved by the director of the bureau of neighborhood services. Mutilation or unauthorized removal or defacing of this placard shall be an offense punishable by fine and/or imprisonment."

Is hereby amended to read as follows:

Sec. 13. Placarding of Occupied Property.

(a) Pursuant to a hearing by the court when charges have been brought against an owner or operator, the court is authorized to determine if the dwelling unit is unfit for human habitation. If so determined, it shall order the Director to place a signed and dated placard to that effect, on the dwelling unit determined to be unfit for human habitation. The court shall specify a date by which the dwelling unit shall be vacated unless rendered fit for human habitation. Such placard shall contain the following words:

"This dwelling unit has been adjudicated by the Municipal Court of the City of Atlanta to be in violation of the Atlanta Housing Code and determined to be unfit for human habitation. It shall be unlawful for this dwelling unit to be occupied after _____ (date) until all repairs required by the Atlanta Housing Code have been made and approved by the director of the bureau of neighborhood

services. Mutilation or unauthorized removal or defacing of this placard shall be an offense punishable by fine and/or imprisonment."

Section 8: That paragraph (d) of Section 13 of the Atlanta Housing Code entitled "Placarding of Occupied Property" and which reads as follows:

(d) *Placarded Notice to General Public.* The posting of the placard as provided for herein and the recording of such in the records of the Bureau of Buildings of such action shall be notice to the general public that it shall be unlawful for any owner to allow the dwelling or structure to be occupied, and unlawful for any person to occupy, as provided herein; and no further notice by the City shall be required to be given to any subsequent owner or occupant.

Is hereby amended to read as follows:

(d) *Placarded Notice to General Public.* The posting of the placard as provided for herein and the recording of such in the records of the Bureau of Code Compliance of such action shall be notice to the general public that it shall be unlawful for any owner to allow the dwelling or structure to be occupied, and unlawful for any person to occupy, as provided herein; and no further notice by the City shall be required to be given to any subsequent owner or occupant.

Section 9: That Section 15 of the Atlanta Housing Code which reads as follows:

"Reserved."

Is hereby amended to read as follows:

Sec. 15. Removal and Disposal of Junked Vehicles

(a) A junked vehicle constitutes a health hazard and an unsightly nuisance and is subject to removal and disposal. The Director may cause for the removal from private property and disposal of junked vehicles whether or not at the request of the landowner or the owner of the junked vehicle. Such removal shall be proceeded by Notice in accordance with Section 10(b)(3)(b).

(b) Removal by the Director shall not apply to any junked vehicle:

(1) located within the premises of any junkyard or automobile salvage yard complying with all the laws of this state and city relating to the licensing and regulating of motor vehicles or junkyards; or

(2) meeting such definition by sole virtue of being inoperable, incapable of being legally operated on the public roads, or not bearing a current registration or a current license plate or a current state required inspection sticker. Such junked vehicles shall still be subject to enforcement action pursuant to Section 18.

(c) Once a junked vehicle has been towed or removed from private property, the Bureau of Code Compliance shall notify and provide to the Atlanta Police Department, a description of the vehicle including the vehicle identification

number, if visible, and the location from which the vehicle was removed. The Police Department shall maintain a log identifying such vehicles.

(d) Removal and disposal of junked vehicles as provided herein may be carried out by private individuals and firms contracted with the City and whose operations includes the recycling of discarded, dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof. Any junked vehicle which has been removed from private property as provided herein shall be disposed of as provided by law.

Section 10: That Section 17 of the Atlanta Housing Code which reads as follows:

Sec. 17. Failure to Comply with Notice or Code.

(a) It shall be unlawful for an owner, operator, or occupant to fail to comply with any applicable provision of this Code.

(b) If a written notice, placard or a violation of Section 22(b), has not been complied with, the Director is authorized to take any of the following actions, as appropriate:

- (1) *Reserved.*
- (2) *Reserved.*
- (3) Initiate procedures for Court action as provided in Section 18;
- (4) Initiate In Rem proceedings as provided in Article III;
- (5) Extend the compliance time for extenuating circumstances as listed in Section 7(e).

Is hereby amended to read as follows:

Sec. 17. Failure to Comply with Notice or Code.

(a) It shall be unlawful for an owner, operator, or occupant to fail to comply with any applicable provision of this Code.

(b) If a written notice, placard or a violation of Section 22(b), has not been complied with, the Director is authorized to take any of the following actions, as appropriate:

- (1) Initiate removal and disposal of junked vehicles in accordance with Section 15.
- (2) *Reserved.*
- (3) Initiate procedures for Court action as provided in Section 18;
- (4) Initiate In Rem proceedings as provided in Article III;
- (5) Extend the compliance time for extenuating circumstances as listed in Section 7(e).

Section 11: That Section 19 of the Atlanta Housing Code which reads as follows:

Sec. 19. Highly Hazardous Conditions.

It shall be unlawful for any owner or operator to allow, or for any occupant to cause the following highly hazardous property conditions, any of which may constitute a nuisance as defined in Section 6 and 12.

Is hereby amended to read as follows:

Sec. 19. Highly Hazardous Conditions.

It shall be unlawful for any owner or operator to allow, or for any occupant to cause the following highly hazardous property conditions, any of which may constitute a nuisance as defined in Section 6 and 12. Notwithstanding any provision of this Article to the contrary, no notice of violation of this Section shall be required prior to initiating procedures for court action as provided in Section 18.

Section 12: That subparagraph (a) of Section 25 of the Atlanta Housing Code, entitled “Owner and Tenant Responsibility for Cleanliness of Property” which reads as follows:

(a) It shall be the lawful duty of the owner or operator and the occupant of any premises, within their respective areas of responsibility as specified herein below to keep interiors and exteriors, including premises, yards, lawns, courts and alleys clean, clear and free of any public or attractive nuisance, accumulation of dirt, junk, junk vehicles, rubbish, garbage, debris, combustible materials, kudzu, excessive growth of weeds, grass, shrubs, bushes or similar matter conducive to rodent, vermin or insect infestation. Interiors and exteriors shall also be kept clean, clear and free of any conditions conducive to the spread of fire or disease. The exterior of the premises and the condition of necessary structures shall be maintained so as not to constitute a nuisance under Section 6 to neighboring or adjoining property owners. (This statement clarifies and strengthens care of the interior and exterior of property.) Responsibility for cleaning the interior of dwelling units shall include keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash, and where appropriate, may require a coating on interior surfaces to make them resistant to vermin and insect infestation.

Is hereby amended to read as follows:

(a) It shall be the lawful duty of the owner or operator and the occupant of any premises, within their respective areas of responsibility as specified herein below to keep interiors and exteriors, including premises, yards, lawns, courts and alleys clean, clear and free of any public or attractive nuisance, accumulation of dirt, junk, junk vehicles, rubbish, garbage, debris, combustible materials, kudzu, excessive growth of weeds, grass, shrubs, bushes or similar matter conducive to rodent, vermin or insect infestation and to ensure all vehicles are parked on all-weather surfaces at all times. Interiors and exteriors shall also be kept clean, clear and free of any conditions conducive to the spread of fire or disease. The exterior of the premises and the condition of necessary structures shall be maintained so as

not to constitute a nuisance under Section 6 to neighboring or adjoining property owners. (This statement clarifies and strengthens care of the interior and exterior of property.) Responsibility for cleaning the interior of dwelling units shall include keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash, and where appropriate, may require a coating on interior surfaces to make them resistant to vermin and insect infestation.

Section 13: That Section 35 of the Atlanta Housing Code, entitled “Failure to Comply with Orders of the Board” which reads as follows:

Sec. 35. Failure to Comply with Orders of the Board

Should the owner and/or parties in interest fail to comply with any order of the Board within the time specified by the Board, the Director shall implement the order, provided however, that said duty shall not be exercised until the City Council, by ordinance containing an appropriate legal description, has ordered the Director to effectuate the purpose of this Article with respect to a particular property.

Is hereby amended to read as follows:

Sec. 35. Failure to Comply with Orders of the Board

Should the owner and/or parties in interest fail to comply with any order of the Board within the time specified by the Board, the Director shall implement the Order.

Section 14: That Section 8-2083(20) of the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code which defines “junk vehicle” as follows:

(20) *Junk vehicle* --any automobile, truck, van, recreational vehicle, mobile home or trailer of any kind, whether such vehicle has been wrecked or dismantled in part or whole, abandoned or discarded, which is inoperable or which cannot be legally operated on the public roads or which does not bear a current registration or a current license plate or a current state required inspection sticker.

Is hereby amended to read as follows:

(20) *Junked vehicle* shall mean any automobile, truck, van, recreational vehicle, mobile home or trailer of any kind (or parts thereof) not within a completely enclosed structure which has been discarded, dismantled, junked, ruined, scrapped, wrecked in part or whole, abandoned, or which is inoperable or which cannot be legally operated on the public roads or which does not bear a current registration or a current license plate or a current state required inspection sticker.

Section 15: That Section 8-2087(c)(3) of the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code which reads as follows:

(3) A statement that the owner or occupant has a definite number of days as the enforcement officer may prescribe, not in excess of 45 days, from the date of notice within which such remedial action must be commenced;

Is hereby amended to read as follows:

(3) A statement that the owner or occupant has a definite number of days as the enforcement officer may prescribe, not in excess of 45 days, from the date of notice within which such remedial action must be commenced. Notwithstanding the foregoing or any other provision to the contrary, when a junked vehicle is observed upon private property, a decal shall be affixed to said junked vehicle giving notice that if the junked vehicle is not removed within three (3) days, the City will cause the junked vehicle to be towed or otherwise removed from the property. Furthermore, if weeds, rubbish, litter and/or debris is observed upon private property, the notice shall require all remedial action contained therein to be completed within three (3) days;

Section 16: That all ordinances in conflict, including but not limited to 01-O-0879, are hereby repealed to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/Human Resources

Caption:

AN ORDINANCE TO AMEND THE ATLANTA HOUSING CODE OF 1987, APPENDIX E TO THE LAND DEVELOPMENT CODE, SO AS TO ADD A NEW SECTION 15, ENTITLED "REMOVAL AND DISPOSAL OF JUNKED VEHICLES"; SO AS TO AMEND VARIOUS SECTIONS TO PROVIDE SPECIFIC NOTIFICATION AND CORRECTION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS; SO AS TO AMEND SECTION 35 REGARDING THE CARRYING OUT OF ORDERS OF THE IN REM REVIEW BOARD; SO AS TO AMEND THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO AMEND THE DEFINITION OF JUNKED VEHICLES AND TO AMEND THE NOTIFICATION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS, AND FOR OTHER PURPOSES

Council Meeting Date: November 3, 2008

Requesting Dept.: Planning and Community Development

FAC Confirmed by: n/a

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to make word or phrase changes in the code so that code reads clearer and certain policies are clarified.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

A review of the city's housing code policies revealed that this section of the code required updating by changing words and clarifying policies and deleting words or sections that no longer applies.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*) : NA.

5. Source of Funds: NA

6. Fiscal Impact: None. Code change only.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Garnett Brown

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra Conner

Contact Number: x6133

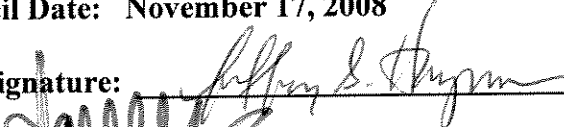
Originating Department: Planning and Community Development

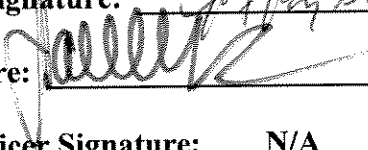
Committee(s) of Purview: CD/HR

Chief of Staff Deadline: October 15, 2008

Anticipated Committee Meeting Date(s): October 29, 2008

Anticipated Full Council Date: November 17, 2008

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND THE ATLANTA HOUSING CODE OF 1987, APPENDIX E TO THE LAND DEVELOPMENT CODE, SO AS TO ADD A NEW SECTION 15, ENTITLED "REMOVAL AND DISPOSAL OF JUNKED VEHICLES"; SO AS TO AMEND VARIOUS SECTIONS TO PROVIDE SPECIFIC NOTIFICATION AND CORRECTION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS; SO AS TO AMEND SECTION 35 REGARDING THE CARRYING OUT OF ORDERS OF THE IN REM REVIEW BOARD; SO AS TO AMEND THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO AMEND THE DEFINITION OF JUNKED VEHICLES AND TO AMEND THE NOTIFICATION REQUIREMENTS FOR JUNKED VEHICLES AND WEEDS, RUBBISH, LITTER AND/OR DEBRIS VIOLATIONS; AND FOR OTHER PURPOSES

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 10/15/08  Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)